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PTO/SB/21 (09-04)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|   |                      |                       |
|---|----------------------|-----------------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number   | 10/630,304            |
|   | Filing Date          | July 30, 2003         |
|   | First Named Inventor | Junichi ASADA, et al. |
|   | Art Unit             | 2653                  |
|   | Examiner Name        | Bach Q. Vuong         |
| Total Number of Pages in This Submission 8  | Attorney Docket No.  | MTS-3195US1           |

| ENCLOSURES (Check all that apply)  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> After Allowance Communication to TC                             |
| <input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/Declaration(s)                     | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences      |
| <input type="checkbox"/> Extension of Time Request   | <input checked="" type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  |
| <input type="checkbox"/> Express Abandonment Request   | <input type="checkbox"/> Petition to Convert to a Provisional Application                | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Information Disclosure Statement  | <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)  | <input type="checkbox"/> Terminal Disclaimer   | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):          |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Request for Refund  | <input type="checkbox"/> Return postcard   |
|  | <input type="checkbox"/> CD, Number of CD(s) _____                                       | <input type="checkbox"/> Copies of IDS and PTO 1449 filed 07/30/03 and returned postcard |
|  | <input type="checkbox"/> Landscape Table on CD   |  |
| Remarks:   |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY OR AGENT |                         |          |        |
|---|-------------------------|----------|--------|
| Firm Name                                 | RatnerPrestla           |          |        |
| Signature                                 | <i>Daniel N. Calder</i> |          |        |
| Printed Name                              | Daniel N. Calder        |          |        |
| Date                                      | January 5, 2005         | Reg. No. | 27,424 |

| CERTIFICATE OF TRANSMISSION/MAILING   |                      |      |                 |
|---|----------------------|------|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |                      |      |                 |
| Signature   | <i>Fran Petrillo</i> |      |                 |
| Typed or Printed Name   | Fran Petrillo        | Date | January 5, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

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Application No.: 10/630,304

MTS-3195US1



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/630,304  
Applicant: Junichi ASADA, et al.  
Filed: July 30, 2003  
Title: OPTICAL HEAD APPARATUS  
TC/A.U.: 2653  
Examiner: Bach Q. Vuong  
Confirmation No.: 9114  
Docket No.: MTS-3195US1

**PETITION UNDER 37 C.F.R. §1.181 FOR  
CONSIDERATION OF INFORMATION DISCLOSURE STATEMENT**

***Mail Stop Issue Fee***

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

Applicants timely and properly filed an Information Disclosure Statement (IDS) on July 30, 2003. The IDS included a first sheet identifying U.S. patent documents and foreign documents, as well as a second sheet including non-patent literature documents. The Examiner acknowledged and returned to Applicants the first sheet of the IDS, but not the second sheet. Applicants therefore request that the Examiner return and acknowledge the second sheet of the IDS of July 30, 2003 (copy of which is enclosed).

It is respectfully requested that issuance of the above-identified application be suspended until the IDS has been considered.

Respectfully submitted,

RatnerPrestia



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Daniel N. Calder, Reg. 27,424  
Attorney for Applicants

DNC/fp

Enclosures: returned postcard  
Information Disclosure Statement  
PTO-1449 as previously filed

Dated: January 5, 2005

Suite 301  
One Westlakes, Berwyn  
P.O. Box 980  
Valley Forge, PA 19482-0980  
(610) 407-0700

The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 5, 2005



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Date: JULY 30 2003 ✓

Assistant Commissioner for Patents:

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FILE NO: MAT/MTS-3195 US 1 FEE DUE? NO or YES: \$ 750.00

NAME: JUNICHI ASADA, ET AL.

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> IDS and PTO Form 1449 ( <u>4</u> pp.) (Supplemental: YES or NO) | <input type="checkbox"/> Copy of Search Report                            |
| <input type="checkbox"/> Copy of _____ reference(s)   | <input type="checkbox"/> Issued Claims ( <u>  </u> pp.) & Diskette        |
| <input type="checkbox"/> Status Request   | <input checked="" type="checkbox"/> Preliminary Amendment                 |
| <input type="checkbox"/> Claim To Right of Priority   | <input type="checkbox"/> Amendment ( <u>  </u> pp)                        |
| <input type="checkbox"/> Response to Restriction Requirement  | <input type="checkbox"/> Copy of Formalities Letter ( 371 )               |
| <input type="checkbox"/> Response to Missing Parts  | <input type="checkbox"/> Copy of Formalities Letter ( 371 )               |
| <input type="checkbox"/> Form 1390  | <input checked="" type="checkbox"/> Certificate of Express Mailing        |
| <input checked="" type="checkbox"/> Declaration/POA ( <u>3</u> pp.) <u>PRELIMINARY AMENDMENT</u>    | <input type="checkbox"/> RCE Transmittal                                  |
| <input type="checkbox"/> Assignment & Form 1595 ( <u>  </u> pp.)                                    | <input type="checkbox"/> Priority Document(s) (PRT/F150)                  |
| <input type="checkbox"/> Response to OA ( <u>  </u> pp.)  | <input type="checkbox"/> Petition for Ext. of Time ( <u>  </u> mo.)       |
| <input type="checkbox"/> Petition to Make Special / For Revival                                     | <input checked="" type="checkbox"/> Fee Transmittal                       |
| <input type="checkbox"/> Submission of Formal Drawings  | <input type="checkbox"/> Issue Fee and Publication Fee                    |
| <input type="checkbox"/> Certificate of Correction  | <input checked="" type="checkbox"/> <u>13</u> Sheets of Drawings (Formal) |
| <input checked="" type="checkbox"/> <u>COPY OF SPECIFICATION (39pp)</u>                             | <input type="checkbox"/> Form 1050 (Duplicate)                            |
|   | <input checked="" type="checkbox"/> <u>2</u> Check(s)                     |
|   | <input checked="" type="checkbox"/> <u>UTILITY</u>                        |

USSN: \_\_\_\_\_

DIVISIONAL - NEW PATENT APPLICATION



MTS-3195US1



COPY

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: To Be Assigned  
Applicant: Junichi Asada et al.  
Filed: Herewith  
Title: OPTICAL HEAD APPARATUS  
TC/A.U.:  
Examiner:  
Confirmation No.:  
Docket No.: MTS-3195US1

**DIVISIONAL OF:**

Appln. No: 09/553,100  
Applicant: Junichi Asada et al.  
Filed: April 20, 2000  
Title: OPTICAL HEAD APPARATUS  
TC/A.U.: 2653  
Examiner: Bach Q. Vuong  
Confirmation No.: 4546  
Docket No.: MTS-3195US

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO 1449 (R&P) submitted herewith.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

Under 37 C.F.R. § 1.98(d), copies of the patents and publications listed on the enclosed PTO Form 1449 are not required to be provided, because they were cited by or

submitted to the Patent and Trademark Office in prior application Serial No. 09/553,100, filed April 20, 2000, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Respectfully submitted,

  
\_\_\_\_\_  
Allan Rather, Reg. No. 19,717  
Attorney for Applicants

AR:ds

Enclosures: PTO Form 1449

Dated: July 30, 2003

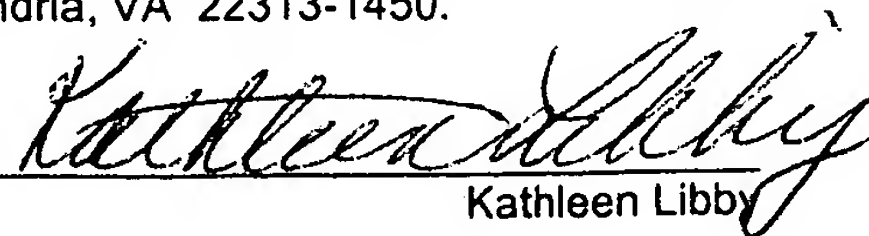
P.O. Box 980  
Valley Forge, PA 19482-0980  
(610) 407-0700

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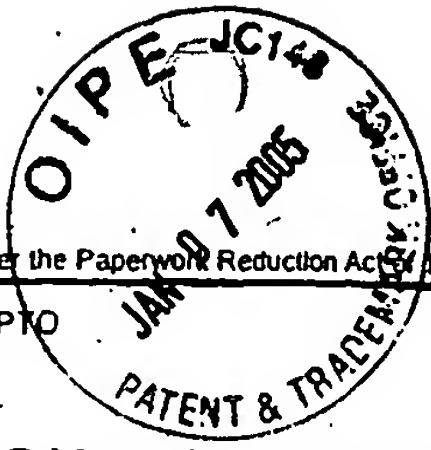
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EV 321471520 US  
July 30, 2003

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\_\_\_\_\_  
Kathleen Libby

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|  |                          |                                 |
|--|--------------------------|---------------------------------|
| <b>Substitute for Form 1449/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i><br><br><b>SHEET 1 of 2</b> | <b>Complete if Known</b> |                                 |
|  | Application Number       | To Be Assigned <b>10/630304</b> |
|  | Filing Date              | Herewith                        |
|  | First Named Inventor     | Junichi Asada et al.            |
|  | Art Unit                 | <b>2653</b>                     |
|  | Examiner Name            | <b>BACH VUONG</b>               |
|  | Attorney Docket No.      | MTS-3195US1                     |

| U.S. PATENT DOCUMENTS |                       |   |                               |   |   |
|-----------------------|-----------------------|---|-------------------------------|---|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number                             | Publication Date (MM-DD-YYYY) | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|                       |                       | Number - Kind Code <sup>2</sup> (if known)  |                               |   |   |
| BV                    |                       | US-5,233,595                                | 08-1993                       | Kawakubo, Isao                                  | Entire Document   |
| BV                    |                       | US-5,373,519                                | 12-1994                       | Siono et al                                     | Entire Document   |
| BV                    |                       | US-5,500,846                                | 03-1996                       | Ophey, Willem G.                                | Entire Document   |
| BV                    |                       | US-5,600,621                                | 02-1997                       | Noda et al                                      | Entire Document   |
| BV                    |                       | US-5,801,402 (with counterpart CN 1159048A) | 09-01-1998                    | Shin  | Entire Document   |
| BV                    |                       | US-6,084,844 (with counterpart CN 1194434A) | 07-04-2000                    | Takeda  | Entire Document   |
| BV                    |                       | US-6,463,023                                | 10-2002                       | Miura, Masafumi                                 | Entire Document   |
|                       |                       | US-   |                               |   |   |
|                       |                       | US-   |                               |   |   |
|                       |                       | US-   |                               |   |   |
|                       |                       | US-   |                               |   |   |

| FOREIGN PATENT DOCUMENTS |                       |   |                               |   |   |                          |
|--------------------------|-----------------------|---|-------------------------------|---|---|--------------------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date (MM-DD-YYYY) | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>4</sup>           |
|                          |                       | Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known) |                               |   |   |                          |
| BV                       |                       | CN 1159048A (with counterpart USPN 5,801,402)                                       | 09/10/1997                    |   | Entire Document   | <input type="checkbox"/> |
| BV                       |                       | CN 1194434A (with counterpart USPN 6,084,844)                                       | 09/30/1998                    |   | Entire Document   | <input type="checkbox"/> |
| BV                       |                       | 06290477 Japan (with English Abstract)  | 10/18/1994                    |   | Entire Document   | <input type="checkbox"/> |
|                          |                       |   |                               |   |   | <input type="checkbox"/> |
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|                          |                       |   |                               |   |   | <input type="checkbox"/> |

|                    |                   |                 |                 |
|--------------------|-------------------|-----------------|-----------------|
| Examiner Signature | <b>Bach Vuong</b> | Date Considered | <b>07/06/04</b> |
|--------------------|-------------------|-----------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

<sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

<sup>6</sup>Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for Form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

SHEET 2 of 2

## Complete if Known

|                      |                      |
|----------------------|----------------------|
| Application Number   | To Be Assigned       |
| Filing Date          | Herewith             |
| First Named Inventor | Junichi Asada, et al |
| Art Unit             |                      |
| Examiner Name        |                      |
| Attorney Docket No.  | MTS-3195US1          |

## NON-PATENT LITERATURE DOCUMENTS

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T <sup>2</sup>                      |
|-----------------------|--------------------------|--|-------------------------------------|
|                       |                          | Chinese Official Action dated December 27, 2002, for Application No. 00106981.0<br>with English translation  | <input checked="" type="checkbox"/> |
|                       |                          |  | <input type="checkbox"/>            |
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|                       |                          |  | <input type="checkbox"/>            |
|                       |                          |  | <input type="checkbox"/>            |

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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